THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.11461 of 2007

Dated 05-06-2007

Between:

The Rajahmundry Mini Goods Van Owners Association Driving School and Training Centre.

…Petitioner

And

The Deputy Transport Commissioner and another.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

W.P.No.11461 of 2007

ORDER:

The petitioner is a motor driving school. It owns different categories of vehicles, which are exclusively used for the purpose of

imparting training to the candidates. One such vehicle is a Bus, bearing No.ADP-4959, which falls into the category of Educational Institution Bus-MHV.

The 2nd respondent herein issued notice dated 21-04-2007, requiring the petitioner not to utilize the vehicle, on the ground that it is more than 15 years old. Reference is made to an order of this Court in W.P.No.15591 of 2006, dated 29-11-2006. Petitioner challenges the impugned notice.

Learned counsel for the petitioner submits that there is no prohibition under the Motor Vehicles Act and the Rules made thereunder for using the vehicle in question, exclusively for the purpose of imparting training. He contends that the directions issued by this Court were only as regards the use of vehicles in transporting school children, and not for other uses.

Learned Government Pleader for Transport, on the other hand, submits that the order of this Court in W.P.No.15591 of 2006 was passed in the larger interest of safety to the inmates of the vehicle, and the road users, and the impugned notice does not suffer from any illegality and infirmity.

The Hon'ble Supreme Court took note of the accidents to school buses, and passed elaborate orders, laying down the guidelines to be followed, in relation to such vehicles. One of the directions was, that the vehicles, which are altered after 15 years, must not be used as school buses. A Division bench of this Court passed orders in W.P.No.15591 of 2006, on the same lines. The result is that, there is a prohibition against using vehicles of 15 years old, being used as Educational Institution Buses.

It is not in dispute that the vehicle bearing No. ADP-4959 is more than 15 years old. If it is being utilized as school bus, for

transporting school or college children, the prohibition contained in the order in W.P.No.15591 of 2006, squarely applies to it, and no exception can be taken to the impugned notice. However, it is evident that the petitioner was granted a licence in From No.11, under Rules 24 and 25 of the Motor Vehicles Rules, to run a Motor Driving School, and the vehicle mentioned above, is entered in the licence, in addition to another vehicle. The parameters for using a vehicle, for transporting students, on the one hand, and imparting training to drivers, on the other hand, stand on a totally different footing. The vehicle used for training is included in the licence, only on being satisfied about the fitness, safety of children; is not at all involved in such case. Neither the Act and Rules made thereunder there is any prohibition, nor does the order passed by this Court in W.P.No.15591 of 2006 apply to the vehicle, used exclusively for the purpose of training. Therefore, the notice issued by the 2nd respondent cannot be sustained.

Accordingly the writ petition is disposed of, and the impugned order is set aside; by making it clear that the vehicle shall not be used for transporting school children, under any circumstances.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.05-06-2007.

GJ